



# TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

**PREPARATION DATE:** NOVEMBER 4, 2016  
**MEETING DATE:** NOVEMBER 14, 2016

**SUBMITTING DEPARTMENT:** PLANNING  
**DEPARTMENT DIRECTOR:** TYLER SINCLAIR  
**PRESENTER:** TYLER SINCLAIR

**SUBJECT:** **ITEM P16-075:** RECONSIDERATION OF A REQUEST FOR A ZONING MAP AMENDMENT FROM AR (AUTO-URBAN RESIDENTIAL) TO UR (URBAN RESIDENTIAL) FOR 632, 640, 650 S. GLENWOOD STREET & 100 W. SNOW KING AVENUE LEGALLY KNOWN AS LOTS 1-7 BLOCK 4, KARNS ADDITION

**OWNER:** JERROLD T. LUNDQUIST & MILLER VENTURES

**APPLICANT:** PIERSON LAND WORKS (SCOTT PIERSON)

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## STATEMENT/PURPOSE

The applicant is requesting approval of a Zoning Map Amendment from AR (Auto-Urban Residential) to UR (Urban Residential) for 632, 640, 650 S. Glenwood Street & 100 W. Snow King Avenue legally known as Lots 1-7 Block 4, Karns Addition.

## APPLICABLE REGULATIONS

- Section 2.3.4: Urban Residential (UR)
- Section 2.3.6: Auto-Urban Residential – Town (AR-ToJ)
- Section 8.7.2: Zoning Map Amendment (findings)

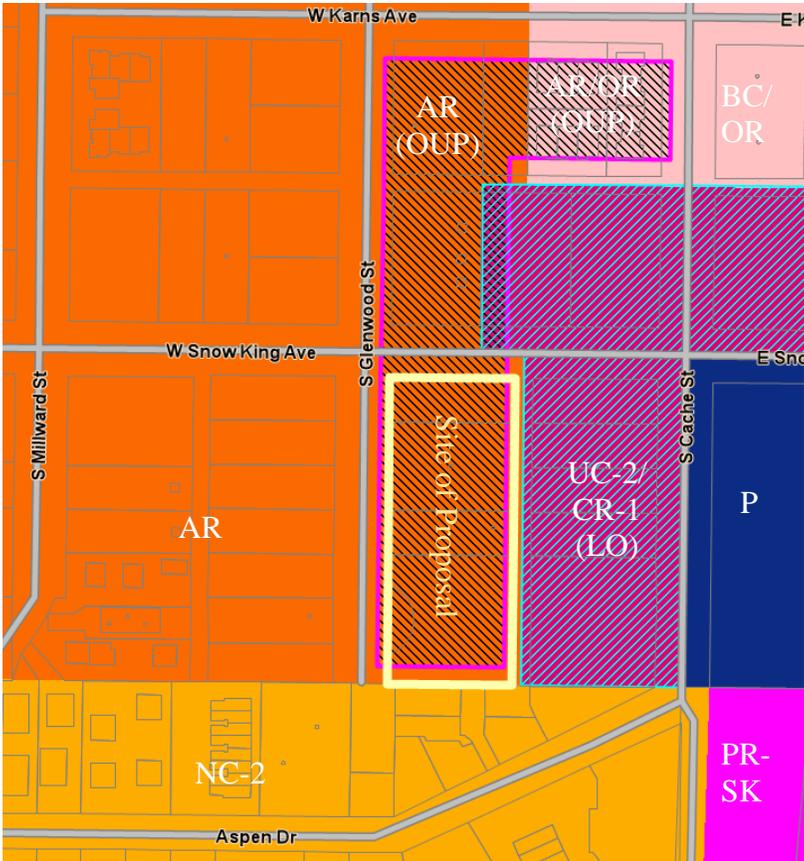
## LOCATION

The site is the eastern block of S. Glenwood, south of Snow King Ave.

- Property Size:** 1.12 acres (Total)
  - 0.16 acres (Lot 1, 100 W. Snow King Ave.)
  - 0.32 acres (Lots 2-3, 632 S. Glenwood St.)
  - 0.16 acres (Lot 4, 640 S. Glenwood St.)
  - 0.48 acres (Lots 5-7, 650 S. Glenwood St.)

- Character District:** 3: Town Residential Core (bordering District 2: Town Commercial Core)
- Subarea:** 3.2: Core Residential (bordering Subarea 2.2: Snow King & S. Cache Corridor)
- Current Zone:** Auto-Urban Residential (AR)
- Proposed Zone:** Urban Residential (UR)
- Overlay:** Office Overlay (OUP)

Current Zoning Map



2015 Conditions



## BACKGROUND/ALTERNATIVES

At its regular October 3, 2016 meeting, Council considered this Item. One public comment was made at the meeting by Corie Rybak, who also provided written comment. A motion to approve the item failed 4-1 with Councilwoman Morton Levinson in favor. At the regular October 17, 2016 meeting, Councilman Lenz made a motion to reconsider the item, which passed 5-0. No changes have been made to the application Council considered October 3, and this staff report is the same staff report provided for the October 3 meeting with the exception of this paragraph and an update to the paragraph regarding public comment.

The site is currently vacant except for a house and ARU located on 640 S. Glenwood. To the north, across Snow King Ave., are the office building and multi-unit residential building developed by Roger Strout in 1997 and 2007 respectively. To the east, across the alley, are two vacant lots, one single family home, and the Lift restaurant. To the south is the rear of the Aspen Shadow Townhomes accessed off of Aspen Dr., which represent a density similar to that allowed by the proposed UR zone. To the west, across Glenwood St., are lots developed with a single family home and one or two ARUs. There has been some recent redevelopment across Glenwood St. from the site, but the area is largely under-developed for its potential.

The Office Overlay on the site indicates the long-standing intent that the site is an opportunity to blend the residential character to the west with the commercial character to the east. The 2012 Comprehensive Plan affirms that vision calling for 2-3 story multifamily development in such areas, with a density and intensity greater than that of the adjacent residential development, but in line with the adjacent commercial character.

## PROJECT DESCRIPTION

The applicant is seeking a rezone from AR to UR. The application does not include any proposed development or subdivision. Approval of the request would change the base zoning and any future development proposal would be reviewed under the standards of the UR zone. The application does not request that the Office Overlay be made available in the UR zone.

## STAFF ANALYSIS

	AR (existing & adjacent to W)	UR (proposed)	UC-2/CR-1(LO) (adjacent to E)
FAR	0.35	0.45	0.65 (0.80)
LSR	0.45	0.30	0.20/0.10
Height	26' (2 stories)	28' (2 stories)	35'/46' (3 stories)
Setbacks (street/side/rear)	20'/10'/20'	12'/5'/20'	0-10'/0'/10-20'
Use (By-right or BUP)	Detached Single Family ARU (x2) Office	Detached Single Family Attached Single Family Apartment	Attached Single Family Apartment Lodging Office Retail Service Restaurant/Bar Daycare/Education
Density	1 Primary, 2 ARUs per lot	n/a	n/a
PUD Option	0.40 FAR 35' height	0.65 FAR 35' height	n/a

The applicant is not proposing any development at this time on the site, so there are no specific standards to apply. The table above compares the existing and proposed zones as well as the adjacent commercial zone in

order to get a sense of the potential for achieving the neighborhood transition envisioned for the area. The table only briefly looks at the PUD options under each zone, because a PUD application would be separate and subsequent “rezone” request to be reviewed on its own merits for consistency with the desired future character of the neighborhood. A PUD approval is not by-right and therefore not assumed, however each landowner does have sufficient site area to apply for a PUD.

### ***Key Issues***

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#### ***KEY ISSUE 1: Should the site be individually rezoned now, or comprehensively with the rest of Town?***

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The proposed UR zone is the most appropriate tool in our current LDR toolbox to achieve the Comprehensive Plan vision for the site. The allowed building size and use blends the residential zoning to the west with the commercial zoning to the east. The issue is whether the Town might create an even better tool to achieve the Comprehensive Plan’s vision in the upcoming zoning updates scheduled to be complete in the next year, and whether it makes sense to rezone this site now, only to reevaluate its zoning again in the near future.

One of the main tasks of the Town in its upcoming zoning update is locating areas for higher density zoning to encourage the creation of workforce housing. One of the key questions the Town will have to answer is whether that additional density is allowed as a base right or through a trade of additional floor area only for additional deed-restricted workforce housing. By granting this rezone now the Town’s future options in answering that question on this site will be less because a certain amount of additional base rights will already have been granted. However, the community and Council have consistently stated through the Comprehensive Plan, Housing Action Plan, and other direction that creating housing opportunities is a priority. While there may be a better tool available in the future, the proposed UR zone is the only zone that allows multifamily housing as a basic use, and the UR-PUD is the tool that has yielded many of the workforce housing projects that have been built in the recent past. If no housing is built under the proposed UR zoning the community can reevaluate, but in the meantime the property owner will have the opportunity to propose the multifamily housing envisioned by the Comprehensive Plan and desired by the community. Staff finds that this opportunity to provide housing in the near term is more valuable than the benefits to the community of waiting to provide housing opportunities in a more comprehensive manner in the future.

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#### ***KEY ISSUE 2: How does the proposal affect the Office Overlay?***

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The site is currently located in the Office Overlay, which is not currently an option in the UR zone. In order to remedy this contradiction either the LDRs need to be amended to add office as an allowed use in the UR – Office Overlay, or the Office Overlay needs to be removed from the site. Adding office use to the UR zone would require an LDR text amendment, which has not been proposed. Staff has discussed this issue with the applicant and recommends a condition of approval that the Office Overlay be removed from the site so that the Zoning Map does not indicate a use that is not allowed in the zone.

### **PLANNING COMMISSION REVIEW**

On September 7, 2016, the Planning Commission recommend approval of the application to Town Council by a 4-1 vote with Commissioner Falcey opposed. The Commission was generally comfortable with the proposal because of its consistency with the Comprehensive Plan and the potential it provides for a transition from the commercial/lodging character to the east to the residential character to the west. There was some concern over compatibility of a potential future PUD with the surrounding neighborhood, to which staff responded that a future PUD will be reviewed against its own findings for compatibility with character through a public hearing.

### **STAFF FINDINGS**

Pursuant to Section 8.7.2.C the advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny

a proposed zoning map amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

*1. Is consistent with the purposes and organization of the LDRs;*

**Complies as Conditioned.** The application improves implementation of the Comprehensive Plan as found below, which is the primary purpose of the LDRs. The application proposes an existing zone, consistent with the organization of the LDRs. However, the site is currently located in the Office Overlay, which is not currently allowed in the UR zone. In order for this application to be consistent with the current organization of the LDRs, approval must be conditioned, as recommended, that the Office Overlay be removed from the site so that the Zoning Map does not show an inoperative overlay.

*2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan;*

**Complies.** The site of this application is on the border of Subarea 3.2 and Subarea 2.2. In such a case staff would typically review the desired future character for each subarea; however, Subarea 3.2 specifically addresses how such sites should blend the adjacent commercial and residential character so only Subarea 3.2 is analyzed below.

*Subarea 3.2. Core Residential Character Defining Features:*

*This residential, TRANSITIONAL Subarea is currently made up of a variety of single family and multifamily residential types, with some existing larger residential developments and non-conforming commercial uses. Redevelopment, revitalization and reinvestment are highly desired in this subarea. Due to its central location in the core of Town near employment and Complete Neighborhood amenities, the future character of this subarea will include some increased density and larger buildings than in East Jackson (Subarea 3.1).*

*In addition, to the development pattern described for East Jackson (Subarea 3.1), multifamily residential uses will be encouraged in order to replace existing commercial uses and to blend the borders of the Town Commercial Core (District 2) with the Town Residential Core (District 3). Multifamily structures will be predominantly found on larger residential lots and along mixed use corridors. The size and scale of multifamily structures will be predominantly two stories with three stories considered in specific cases with proper design. The density and intensity found in areas containing multifamily structures may be greater than what is generally allowable in other areas. For these larger structures, the dominant building mass should be located near the street and be broken into multiple smaller buildings when possible. Parking should be minimized and screened from view as much as possible. In areas where office uses currently exist, consideration should be given to allow a mix of office and residential uses. Future mixed use office development should be of the same bulk, scale and intensity of the residential uses.*

**Complies.** The UR zone better implements the vision for this area than the current AR zone. The UR zone allows an intensity of development that blends the residential character to the west with the commercial character to the east. The UR is the only zone currently in the Town LDRs that allows multifamily development as a Basic Use, and the AR does not allow the type of multifamily development envisioned for the site by the Comprehensive Plan. The proposal is for an entire block rather than individual lots creating a consistent transition for the entire block south of Snow King Ave. And, the site can handle the increased density proposed due to its alley access.

*Character District 3 Policy Objectives*

*4.1.b: Emphasize a variety of housing types, including deed-restricted housing.*

**Complies.** The application allows for a greater variety of housing types in the Character District by allowing multifamily development as a Basic Use.

*4.3.a: Preserve and enhance stable subareas.*

N/A. This policy objective is not applicable in this Transitional subarea.

*4.3.b: Create and develop transitional subareas.*

**Complies.** As discussed above the application removes barriers to the type of development envisioned for the site.

*4.4.d: Enhance natural features in the built environment.*

N/A. This policy objective is not applicable to this site, which is not on Flat Creek, Cache Creek, Karns Meadow, or in a hillside area.

*5.2.d: Encourage deed-restricted rental units.*

**Complies.** The greater density proposed will include more deed-restricted units, and the allowance of apartments as a basic use encourages rental units. However, because this application is not an actual development proposal, staff cannot evaluate at this time whether there are additional deed-restricted rental opportunities to be explored.

*5.3.b: Preserve existing workforce housing stock.*

N/A. This policy objective is not applicable at this time because no development is being proposed. While the site contains only two units, this objective will be relevant at the time the site is developed.

*7.1.c: Increase the capacity for use of alternative transportation modes.*

N/A. This policy objective is not applicable to this application. Any improvements to alternative transportation mode capacity will be evaluated at the time development is proposed on the site.

*3. Is necessary to address changing conditions or a public necessity; and*

**Complies.** Housing has been identified in the Comprehensive Plan and Housing Action Plan as a public necessity. The proposed UR zone allows for the type of housing that is envisioned by the Comprehensive Plan on this site. While additional solutions may be available in the future, the proposed UR zone is the best tool available to provide more housing opportunities right now, and this is the right location.

*4. Is consistent with the other adopted Town Ordinances.*

**Complies.** The proposed UR zoning is consistent with other Town Ordinances. The public comment related to the cul-de-sac has been resolved. The cul-de-sac is an easement to the public (granted in 1977), so it will not be removed if there is a development of the site. It is now accurately represented in the GIS as an easement, it had been previously depicted in error as a right-of-way, which caused the confusion.

[STAKEHOLDER ANALYSIS](#)

*Departmental Reviews*

This application was sent to the following departments for their review. All submitted reviews are attached.

- Building
- Fire
- Legal
- Parks and Recreation
- Pathways
- Police
- Public Works
- START

- Housing Department

### ***Public Comment***

The applicant mailed and posted notice of a neighborhood meeting held June 6 at the Lift Restaurant. Staff noticed the Planning Commission hearing in the August 17 News and Guide and mailed notice to the neighborhood on August 16. Staff noticed the October 3 hearing in the September 14 News and Guide and the applicant posted notice of that hearing on the site on September 12. The 3 comments received prior to the October 3 hearing, as well as the one received following that hearing, are attached.

### **ATTACHMENTS**

Applicant Submittal  
Departmental Reviews  
Public Comment

### **FISCAL IMPACT**

None.

### **STAFF IMPACT**

Staff time to review this application was typical for a zoning map amendment.

### **LEGAL REVIEW**

Complete.

### **RECOMMENDATION**

Staff and the Planning Commission recommend **APPROVAL** of **P16-075**, a Zoning Map Amendment from AR (Auto-Urban Residential) to UR (Urban Residential) for 632, 640, 650 S. Glenwood Street & 100 W. Snow King Avenue, subject to the to the following condition, based on the findings of Section 8.7.2.C, stated above.

1. The Office Overlay shall be removed from the site concurrently with the rezone of the site.

### **SUGGESTED MOTION**

I move to **APPROVE P16-075**, a Zoning Map Amendment from AR (Auto-Urban Residential) to UR (Urban Residential) for 632, 640, 650 S. Glenwood Street & 100 W. Snow King Avenue, being able to make the findings for a Zoning Map Amendment as recommended by staff that the application 1) is consistent with the purposes and organization of the LDRs; 2) improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan; 3) is necessary to address changing conditions or a public necessity; and 4) is consistent with the other adopted Town Ordinances, subject to the following condition:

1. The Office Overlay shall be removed from the site concurrently with the rezone of the site.

July 5, 2016

we define, design & deliver  
the places where you play, live & work



Town of Jackson Planning Department  
PO Box 1687  
Jackson, WY 83001

Re: Zoning Map Amendment for 640, 650 & 632 S. Glenwood and 100 W. Snow King Avenue

Dear Planning Staff:

Please accept this letter and attachments as a formal application for a Zoning Map Amendment for 640, 650 & 632 S Glenwood Street and 100 W. Snow King Avenue. We are submitting this application on behalf of Jerrold T. Lundquist and Miller Ventures, LLC.

Enclosed please find (12) twelve copies the following:

- A complete Planning Permit Application
- Application fee in the amount of \$1,500.00
- Letter of Authorizations
- Application description and location
- One digital copy

Please contact me at your earliest convenience if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott R. Pierson', is written over a horizontal line.

Scott R. Pierson, PLS  
Pierson Land Works, LLC

Encl(S)



**PLANNING PERMIT APPLICATION**  
**Planning & Building Department**  
**Planning Division**

150 E Pearl Ave. | ph: (307) 733-0440  
 P.O. Box 1687 | fax: (307) 734-3563  
 Jackson, WY 83001 | [www.townofjackson.com](http://www.townofjackson.com)

*For Office Use Only*

Fees Paid \_\_\_\_\_  
 Check # \_\_\_\_\_ Credit Card \_\_\_\_\_ Cash \_\_\_\_\_  
 Application #s \_\_\_\_\_

**PROJECT.**

Name/Description: Lundquist/Miller Venture - Zoning Map Amendment  
 Physical Address: 632, 640 and 650 S. Glenwood Street and 100 W. Snow King Avenue  
 Lot, Subdivision: Lots 1-7 Block 4, Karns Addition PIDN: 22.41.16.33.1.38.002, 003, 006 & 011

**OWNER.**

Name: See Attached List Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**APPLICANT/AGENT.**

Name: See Attached List Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**DESIGNATED PRIMARY CONTACT.**

\_\_\_\_\_ Owner  Applicant/Agent

**TYPE OF APPLICATION.** *Please check all that apply; see Fee Schedule for applicable fees.*

<b>Use Permit</b>	<b>Physical Development</b>	<b>Interpretations</b>
_____ Basic Use	_____ Sketch Plan	_____ Formal Interpretation
_____ Conditional Use	_____ Development Plan	_____ Zoning Compliance Verification
_____ Special Use		
<b>Relief from the LDRs</b>	<b>Development Option/Subdivision</b>	<b>Amendments to the LDRs</b>
_____ Administrative Adjustment	_____ Development Option Plan	_____ LDR Text Amendment
_____ Variance	_____ Subdivision Plat	<input checked="" type="checkbox"/> Zoning Map Amendment
_____ Beneficial Use Determination	_____ Boundary Adjustment (replat)	_____ Planned Unit Development
_____ Appeal of an Admin. Decision	_____ Boundary Adjustment (no plat)	

**PRE-SUBMITTAL STEPS.** Pre-submittal steps, such as a pre-application conference, environmental analysis, or neighborhood meeting, are required before application submittal for some application types. See Section 8.1.5, Summary of Procedures, for requirements applicable to your application package. If a pre-submittal step is required, please provide the information below. If you need assistance locating the project number or other information related to a pre-submittal step, contact the Planning Department. **If this application is amending a previous approval, indicate the original permit number.**

Pre-application Conference #: P016-044 Environmental Analysis #: \_\_\_\_\_  
Original Permit #: \_\_\_\_\_ Date of Neighborhood Meeting: \_\_\_\_\_

**SUBMITTAL REQUIREMENTS.** Twelve (12) hard copies and one (1) digital copy of the application package (this form, plus all applicable attachments) should be submitted to the Planning Department.. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant.

Have you attached the following?

- Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information.
- Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation is also required. Please see the Letter of Authorization template in the Administrative Manual for a sample.
- Response to Submittal Checklist.** All applications require response to applicable review standards. These standards are outlined on the Submittal Checklists for each application type. If a pre-application conference is held, the Submittal Checklists will be provided at the conference. If no pre-application conference is required, please see the Administrative Manual for the applicable Checklists. The checklist is intended as a reference to assist you in submitting a sufficient application; submitting a copy of the checklist itself is not required.

**FORMAT.**

The main component of any application is demonstration of compliance with all applicable Land Development Regulations (LDRs) and Resolutions. The submittal checklists are intended to identify applicable LDR standards and to outline the information that must be submitted to sufficiently address compliance with those standards.

For some submittal components, minimum standards and formatting requirements have been established. Those are referenced on the checklists where applicable. For all other submittal components, the applicant may choose to make use of narrative statements, maps, drawings, plans and specifications, tables and/or calculations to best demonstrate compliance with a particular standard.

**Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.**

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.

Christen Hutton Holt  
Signature of Owner or Authorized Applicant/Agent  
**Christen Hutton Holt**  
Name Printed

7-5-16  
Date  
**Planner**  
Title

**LETTER OF AUTHORIZATION**

Longitude Ventures, LLC, "Owner" whose address is: 14 Cockenoe

Drive, Westport, Ct 06880

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

Jerrold Lundquist, as the owner of property

more specifically legally described as: Lots 11-14, Block 4, Karns 2nd Addition, Plat No. 128

and Lots 4-7, Block 4, Karns 2nd Addition, Plat No. 128

(If too lengthy, attach description)

HEREBY AUTHORIZES Pierson Land Works LLC as agent to represent and act for Owner in making application for and receiving and accepting on Owners behalf, any permits or other action by the Town of Jackson, or the Town of Jackson Planning, Building, Engineering and/or Environmental Health Departments relating to the modification, development, planning or replatting, improvement, use or occupancy of land in the Town of Jackson. Owner agrees that Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application or any Owner information in support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such materials. Owner acknowledges and agrees that Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platting or replatting, improvement, occupancy or use of any structure or land involved in the application shall take place until approved by the appropriate official of the Town of Jackson, in accordance with applicable codes and regulations. Owner agrees to pay any fines and be liable for any other penalties arising out of the failure to comply with the terms of any permit or arising out of any violation of the applicable laws, codes or regulations applicable to the action sought to be permitted by the application authorized herein.

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

OWNER: *Jerrold Lundquist*

(SIGNATURE) (SIGNATURE OF CO-OWNER)

Title: OWNER, MANAGER

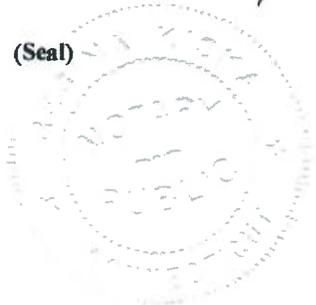
(if signed by officer, partner or member of corporation, LLC (secretary or corporate owner) partnership or other non-individual Owner)

STATE OF CT )
COUNTY OF FAIRFIELD )SS.

The foregoing instrument was acknowledged before me by JERROLD LUNQUIST this 10 day of APRIL, 200 2016

WITNESS my hand and official seal.

*Regina Kistai*
(Notary Public)
My commission expires: 8/31/2016



## LETTER OF AUTHORIZATION

Miller Ventures L.P., a California limited partnership (“**Owner**”) whose address is P.O. Box 1830, Jackson WY 83001, as the owner of property 632 S. Glenwood St (Parcel No.: 22-41-16-33-1-38-003) and 100 W Snow King Avenue (Parcel No.: 22-41-16-33-1-38-002) (the “**Property**”) HEREBY AUTHORIZES Pierson Land Works, LLC, a Wyoming limited liability company (“**Agent**”) as agent to represent and act for Owner in applying for a rezone of the Property, and making related submittals, from Auto-Urban Residential to Urban-Residential with the Town of Jackson, or the Town of Jackson Planning, Building, Engineering and/or Environmental Health Departments.

This authorization shall not extend to any application other than an application for a rezoning of the Property and related submissions and is not an authorization to impose any burdens or restrictions on the Property other than those that may be inherent in the different zoning categories of Auto-Residential and Urban-Residential. This authorization does not permit the Agent to impose financial burdens on the Owner or obligate the Owner to perform any construction, building or other improvement activities of the Property, without the written consent of Owner.

Owner agrees that Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application or any Owner information in support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such materials.

Owner agrees that no modification, development, platting or replatting, improvement, occupancy or use of any structure or land involved in the application shall take place until approved by the appropriate official of the Town of Jackson, in accordance with applicable codes and regulations. Owner agrees to pay any fines and be liable for any other penalties arising out of the failure to comply with the terms of any permit or arising out of any violation of the applicable laws, codes or regulations applicable to the action sought to be permitted by the application authorized herein.

**Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.**

### OWNER:

Miller Ventures L.P., a California limited partnership

By:  , TRUSTEE

Its: general partner

[ACKNOWLEDGEMENT PAGE FOLLOWS]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 )  
 ) SS:  
COUNTY OF SAN MATEO )

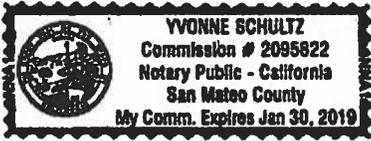
On 5/10/, 2016 before me, Yvonne Schultz, Notary Public,  
(insert name and title of the officer) personally  
appeared Chance V. Wise, who proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/hor/their  
authorized capacity(ies), and that by his/hor/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: *Yvonne Schultz*

[Seal]



## Owner Agent List

### **Owners**

Jerrold Lunquist - Longitude Ventures, LLC  
14 Cockenoe Drive  
Westport, CT 06880

Miller Ventures LP  
PO Box 1830  
Jackson, WY 83001

### **Agent**

Christen Hutton Holt, Pierson Land Works LLC  
PO Box 1143  
Jackson, WY 83001  
307.733.5429  
Email: [christen@plwllc.com](mailto:christen@plwllc.com)

# Application for a Zoning Map Amendment

Parcels: 22-41-16-33-1-38-011  
22-41-16-33-1-38-006  
22-41-16-33-1-38-003  
22-41-16-33-1-38-002  
Jackson, Wyoming

Applicant:

Pierson Land Works, LLC  
P.O. Box 1143  
180 S. Willow St.  
Jackson, WY 83001  
307.733.5429

Prepared By:

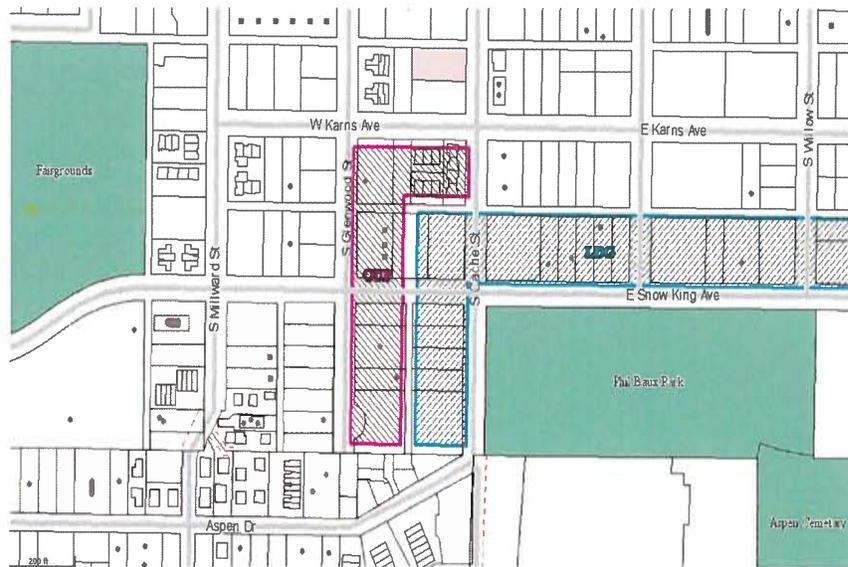


Pierson Land Works, LLC  
Attention: Christen Hutton Holt  
P.O. Box 1143  
180 S. Willow St.  
Jackson, WY 83001  
307.733.5429  
[christen@plwllc.com](mailto:christen@plwllc.com)

**A. Existing Use & Project Discussion**

The subject properties, which consist of six lots, are located off of South Glenwood St in the southern part of the Town as shown on the Context Map in Exhibit A. One of the six lots has an existing habitable structure on the property, whereas the other five lots are vacant with no habitable structures or accessory buildings. The total sum area of the six lots equals one acre. One lot measures 44' x 140', and the other five lots measure 50' x 150'. Each lot has access from both Glenwood St to the west and an alley immediately to the east, with one lot also accessible from Snow King Avenue.

Currently, the properties are zoned Auto Urban Residential (AR), shown on Exhibit B, which purpose is described “to maintain the character and cohesiveness of residential neighborhoods while allowing for a wide range of residential types...”. The maximum development potential on an AR lot is .35 FAR, a maximum height limit of 26', and permits a single family unit with up to two accessory dwelling units for a maximum total of three habitable units per lot. The zoning map on Exhibit B also demonstrates that the subject properties act as a buffer between the neighborhoods to the west and south, and commercial/resort uses to the immediate east. Additionally, as shown in the Town GIS map below, the subject properties are located within the small “Office Use Permitted” (OUP) zoning overlay boundary that permits office uses within the AR zoning district that would be otherwise prohibited outside the OUP overlay boundary.



Moreover, note that Lodging Overlay zoning (LO), a commercial short term residential use, is permitted immediately to the east across the alley. As illustrated in

Exhibit B, the LO zoned lots to the east also have a base zoning of Urban Commercial-2 (UC-2). Given the combined zoning of UC-2 and LO, the adjacent properties to the east across the alley are permitted to develop to one of the highest intensities permitted in the Town of Jackson at .80 FAR, a 35' maximum height limit, and a variety of allowed (by right) commercial uses.

**B. Application Proposal**

This application seeks to propose Urban Residential (UR) zoning on the subject properties as identified in both Exhibits A and B. The purpose of UR zoning as stated in the Town of Jackson Land Development Regulations is “to provide for high density residential areas and promote affordable housing types as part of a full range of residential uses in a pedestrian-oriented environment”. UR zoning permits .45 FAR, a 28' maximum height limit, and attached multi-family housing units. Essentially, the difference between AR and UR zoning is a .10 FAR increase, a 2' height increase, and the allowance of attached single-family units. Currently, UR is the most effective zoning tool the Town of Jackson has available to develop both market and deed-restricted units. This Zoning Map Amendment serves as a unique opportunity for a variety of workforce housing types as the application proposes six contiguous lots, accessible from both east and west access easements, which will require minimal site preparation and demolition for redevelopment.

Moreover, the differences between what is permitted in AR versus UR zoning is minimal compared to the major differences between the existing adjacent zoning districts of UC2-LO and AR. Given the dramatic difference between what is permitted between AR and UC2-LO zoning, this application also serves as an opportunity to provide a more appropriate transitional buffer as illustrated on Exhibit C. Additionally, while the existing code allows up to three units per AR-zoned lot, it does not permit attached single-family unit uses in the form of townhomes or condominiums, nor does it permit multi-family uses such as apartments. Given the subject properties' close proximity to mass transit, downtown employment opportunities, restaurants, and general services, permitting UR zoning which allows denser residential uses, is more appropriate. The table below further outlines the two zoning distinctions.

<b>Dimensional Limitations</b>	<b>UR Zoning</b>	<b>AR Zoning</b>
Maximum Floor Area Ratio (FAR)	.45 (max)	.30-.35
Minimum Landscape Surface Ratio (LSR)	.30 (min)	.45-.50
Maximum Lot Coverage	.40 (max)	.28-.32
Maximum Building Height	2 Stories (28')	2 Stories (26')
Street Setback	12'	20'
Side Setback	5'	10

Rear Setback	20'	20-30'
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**C. Consistency with Comprehensive Plan**

The subject properties are adjacent to some of the most intense mixed use development in the Town of Jackson with its close proximity to the buildings in the LO and UC-2 district. The lots are located in District 3 Town Residential Core, and 3.2 Core Residential Subarea. The core vision identified in the Comprehensive Plan for District 3 entails a variety of different residential densities and housing product types such as single family, duplexes, and multi-family unit development in an effort to meet the Community’s local workforce housing goals. Moreover, according to the Comprehensive Plan, Subarea 3.2 is a transitional subarea, and specifically notes the subarea is appropriate for increased density and larger buildings. Achieving the Comprehensive Plan’s local housing workforce goal of 65% will require some zoning changes in various locations throughout the Town of Jackson. This application’s proposal will provide the private market tools to assist in achieving the density needed to begin accommodating 65% Teton County’s local workforce.

**D. Findings**

The required findings in LDR Article 8.7.2.C. under Zoning Map Amendment are as follows:

*1. Is consistent with the purposes and organization of the LDRs.*

*Per LDR Division 1.3. Purpose and Intent:*

- This application is consistent with *LDR Section 1.3.1. Implement the Community Vision* by fostering development opportunities within the Town’s complete neighborhoods in District 3, inadvertently preserving habitat, rural character, and unique ecosystems environments.
- This application is consistent with *LDR Section 1.3.2. Implement the Common Values of Community Character*. By proposing increased density in close proximity to existing employment, activity, and service centers in downtown Jackson; it effectively decreases traffic demand, air pollution and sprawl development, resulting in less wildlife conflicts, minimizing habitat disturbance, and agriculture land preservation, subsequently fostering better *ecosystem stewardship*. Permitting the subject property to be rezoned to Urban Residential provides the private sector an opportunity to catalyze the *growth management* goal to “direct growth into a series of connected, Complete Neighborhoods...”. This application is a significant opportunity to improve *quality of life* by permitting density and zoning that can help achieve 65% local workforce.
- This application is consistent with *LDR Section 1.3.3. Implement the Illustration of Our Vision* through providing opportunities for workforce housing and desired residential multi-family form in Subarea 3.2.
- This application is consistent with *LDR Section 1.3.4. Predictable Regulations, Incentives, and Allowances* as it will require the opportunity for any future increase in allowable development to be reviewed in a public hearing.

- This application is consistent with *LDR Section 1.3.5. Coordination Between Jurisdictions.*

*2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan.*

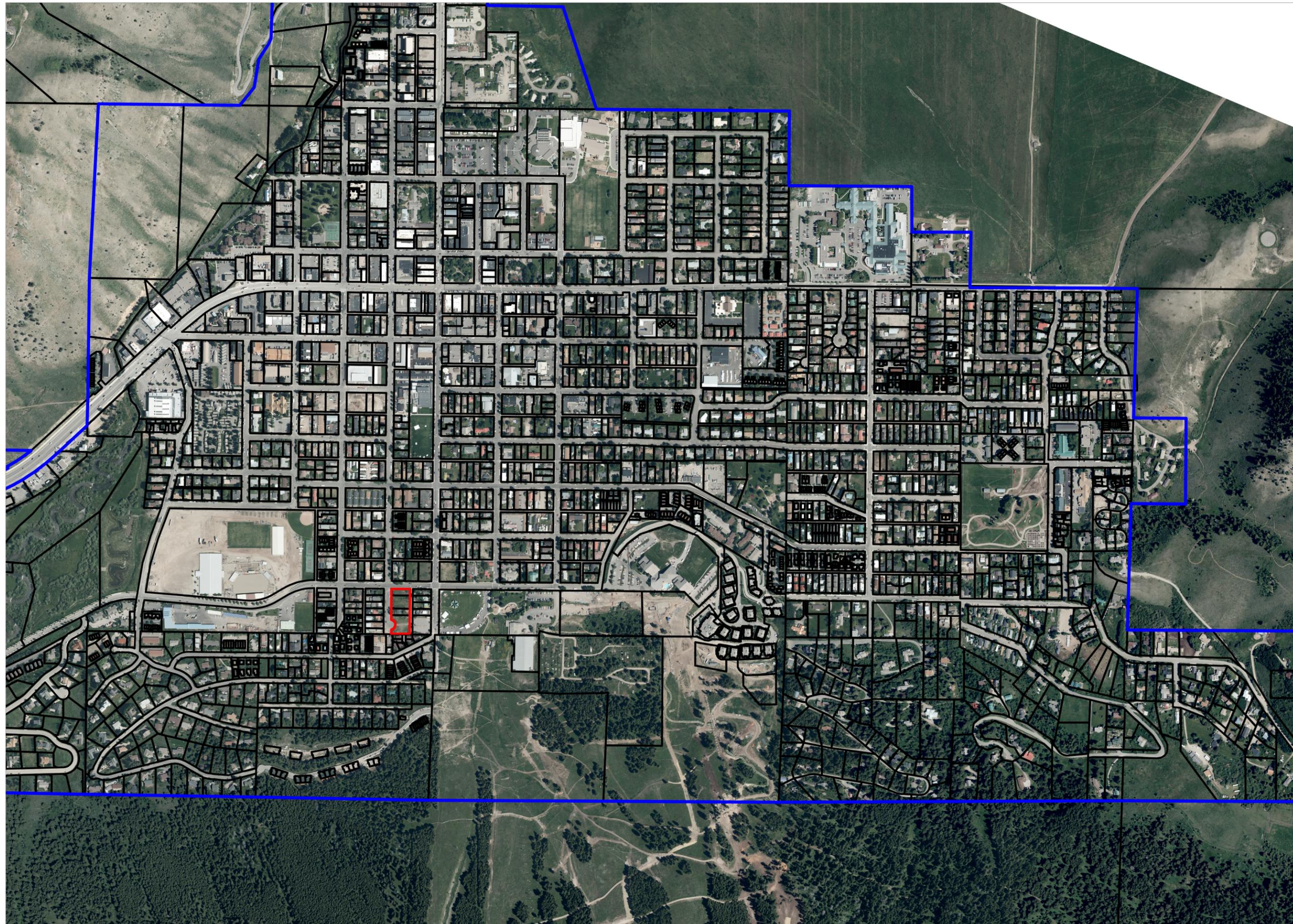
This Zoning Map Amendment provides a significant opportunity for workforce housing, and supports private sector efforts to implement desired residential multi-family form in Subarea 3.2. through redevelopment.

*3. Is necessary to address changing conditions or a public necessity.*

The proposed UR zoning is a significant opportunity to address our community's housing crisis, which arguably could be considered a public necessity.

*4. Is consistent with the other adopted Town Ordinances.*

This application is consistent with Town Ordinances.



Pierson Land Works LLC  
 P.O. Box 1143  
 Jackson, Wyoming 83001  
 Tel 307.733.5429  
 Fax 307.733.9669  
 piersonlandworks.com

**Proposed Zoning Map Amendment  
 Context Map**  
 Town of Jackson, Wyoming

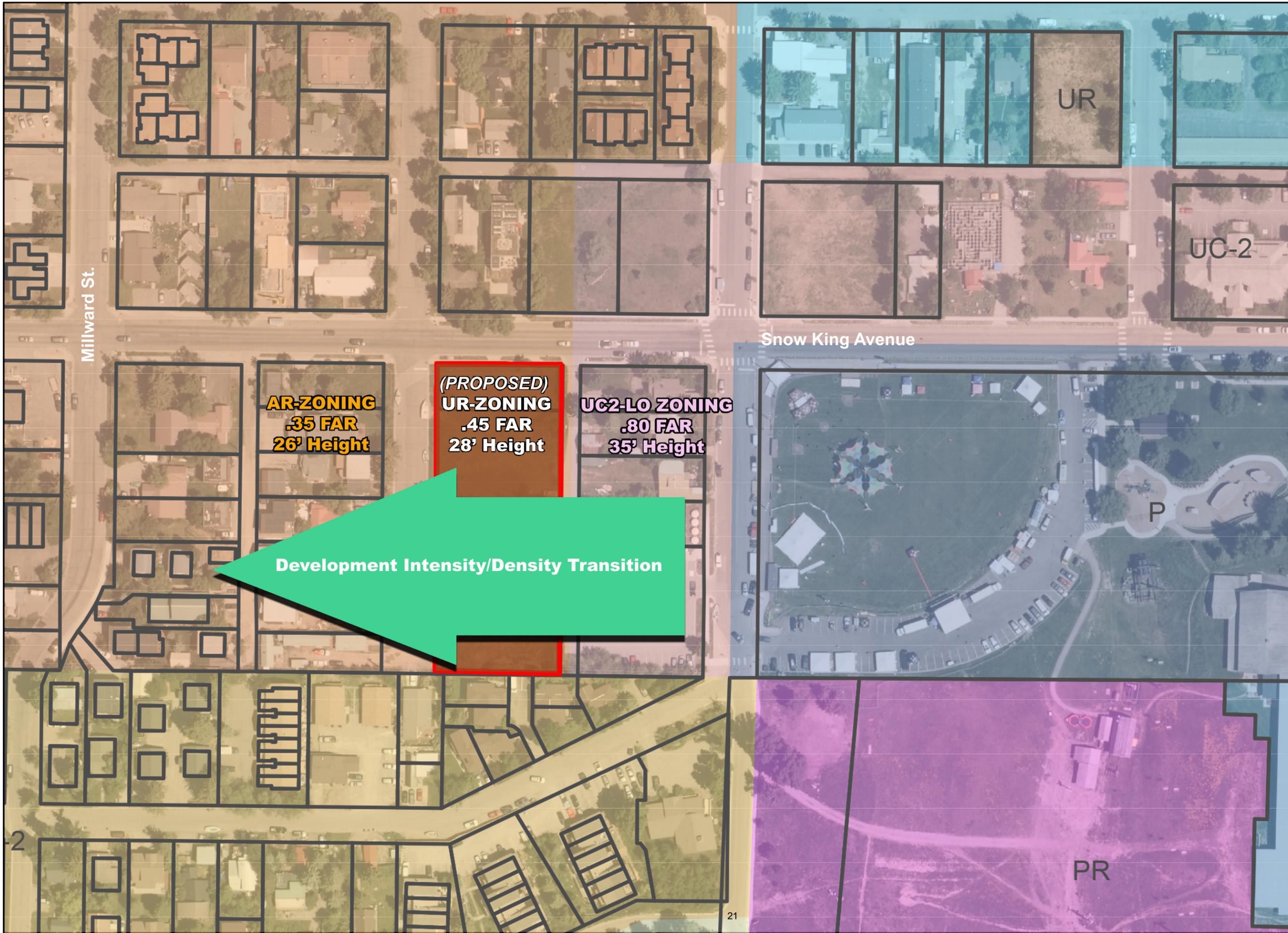
**Legend**

- 
-  Town Boundary
-  Proposed Zoning Map Amendment Parcels

**Scale**

•  
 1 inch = 700 feet





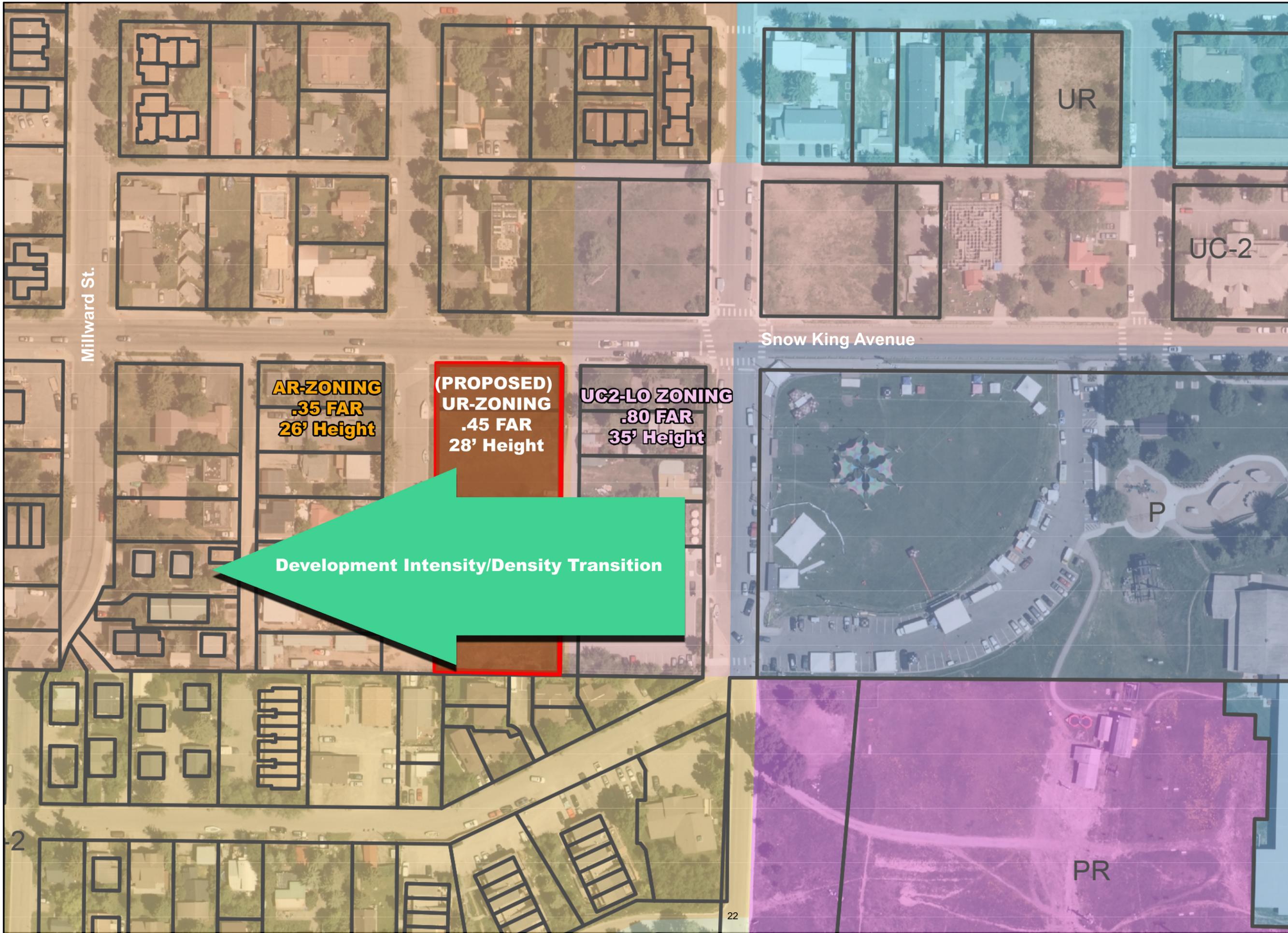
Pierson Land Works LLC  
 P.O. Box 1143  
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 Tel 307.733.5429  
 Fax 307.733.9669  
 piersonlandworks.com

Proposed Zoning Map Amendment

Legend

- 
- Zoning Amendment Boundary
- Town Parcels





Pierson Land Works LLC  
 P.O. Box 1143  
 Jackson, Wyoming 83001  
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 Fax 307.733.9669  
 piersonlandworks.com

Proposed Zoning Map Amendment

Legend

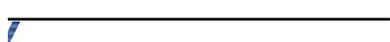
- 
- Zoning Amendment Boundary
- Town Parcels



**Project Number** P16-075 **Applied** 7/6/2016 **JC**  
**Project Name** Lundquist/Miller Amendment **Approved**  
**Type** ZONING MAP AMENDMENT **Closed**  
**Subtype** **Expired**  
**Status** STAFF REVIEW **Status**  
**Applicant** Pierson Land Works, LLC **Owner** MILLER VENTURES LP  
**Site Address** **City** **State** **Zip**  
 632 S GLENWOOD STREET JACKSON WY 83001  
**Subdivision** **Parcel No** **General Plan**  
 KARNs 2ND 22411633138003

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact Notes Building Steve Haines	APPROVED	7/6/2016	7/27/2016	7/25/2016	
Fire None		7/6/2016	7/27/2016		
Legal A Cohen-Davis	APPROVED	7/6/2016	7/27/2016	7/28/2016	
Parks and Rec None		7/6/2016	7/27/2016		
Pathways Brian Schilling Pathways has no comments on this application. Brian Schilling	APPROVED	7/6/2016	7/27/2016	7/13/2016	
Planning Tyler Sinclair		7/6/2016	7/27/2016		
Police None No concerns. Todd Smith	APPROVED	7/6/2016	7/27/2016	7/19/2016	

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Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Public Works Contact Notes Jeremy Parker (7/15/2016 1:55 PM JP) Plan Review Comments - SUFFICIENT	APPROVED W/CONDITI	7/6/2016	7/27/2016	7/15/2016	

P16-075  
Zoning Map Amendment  
Pierson Landworks, LLC (Christen Holt)  
Owners: Miller Ventures & Longitude Ventures  
100 West Snow King Ave., 632, 640, 650 South Glenwood Street

July 15, 2016  
Jeremy Parker, 733-3079 x1412

Please be advised that infrastructure improvements necessary to meet the capacity demands and requirements for the proposed development shall be the responsibility of the developer. The Town of Jackson is not responsible for upsizing or extending of potable water, sanitary sewer, or storm drainage to meet development needs so long as the existing utility systems are within a reasonable distance of the subject property.

START  
Janice Sowder

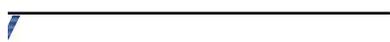
7/6/2016      7/27/2016

TC Housing Authority  
None

APPROVED W/CONDITI 7/6/2016      7/27/2016      8/1/2016

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Type of Review	Status	Dates			
		Sent	Due	Received	Remarks
Contact					
Notes					
MEMORANDUM					

To: Paul Anthony  
Principle Planner, Town of Jackson Planning and Building

From: Valerie Adams  
Housing Specialist, Teton County Housing Authority

Re: Zoning Map Amendment (P16-075)  
632, 640, 650 S. Glenwood Street & 100 W. Snow King Ave.

Date: August 1, 2016

The applicant is submitting a request for a Zoning Map Amendment for 632, 640, 650 S. Glenwood Street & 100 W. Snow King Avenue legally known as Lots 1-7 Block 4, Karns Addition. Jackson Teton County Affordable Housing Department (Housing Department) staff's review is based on Division 7.4 of the Town of Jackson Land Development Regulations (LDRs).

**TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS REVIEW**

**AFFORDABLE HOUSING MITIGATION PLAN (DIVISION 7.4):** The applicant has indicated they would like to change the zoning of these properties from Auto-Urban Residential to Urban Residential. Zoning changes do not generate a housing requirement. Since no new developments are being proposed at this time, there will be no housing requirements for this application.

Urban Residential zoning would allow for a higher density development, which could translate to more workforce housing in the community.

Thank you for the opportunity to review this application. Please contact me with any questions.



## Alex Norton

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**From:** Jim Brungardt <jbrungardt@3creekbranchhoa.com>  
**Sent:** Friday, August 19, 2016 8:55 AM  
**To:** Alex Norton  
**Cc:** 'Jim Brungardt'  
**Subject:** Lundquist/Miller property on South Glenwood/Cache

Alex,  
Corie that lives down the street said you are the lead on the proposed zoning request in our neighborhood. Below are my comments on this request. Please include my comments in the packet you give to the Planning Department and Commissioners. Thanks.

### Alex NORTON AND JACKSON PLANNING COMMISSION

I am writing to voice serious concerns about the proposed zoning change to the Lundquist/Miller property on South Glenwood/Cache. I live directly across from this property. The proposal as it stands does not come with any plan for the future other than increased use. Without a plan it is impossible to know how this property may be developed and as a concerned neighbor I have no idea on how this zoning change may affect the neighborhood. It seems to me the request is only an attempt to increase the value of this property for future sale. The Master Plan (at least this neighborhood's portion of it) has not yet been finalized or approved and I feel it might make more sense to wait on these types of zoning changes until that happens. Thank you for your time.

Jim Brungardt  
Fishing Coordinator  
3 Creek Ranch  
307/200-6007

Buy your WY fishing license online  
<https://wgfd.wyo.gov/elso/ELSOWelcome2.aspx>

## Alex Norton

---

**From:** Jerry Douville <jerry@newwestbc.com>  
**Sent:** Friday, August 19, 2016 2:07 PM  
**To:** Alex Norton; Tyler Sinclair  
**Subject:** proposed zoning change to the Lundquist/Miller property on South Glenwood/Cache

Alex / Tylor

This is Jerry Douville I live at 663 South Glenwood and will be out of town during the review meeting for the proposed zoning change to the Lundquist/Miller property on South Glenwood/Cache. My concern is that after our neighborhood meeting with Lundgqst and Pierson we learned that they own the east portion of the cul-de-sac and intend to reclaim it for their site. As the last wide paved driveway on the road i'm very concerned that my driveway will become the default turnaround when the road narrows down to a dead end. And with any increase in traffic & parked cars an up zone could lead to it would only get worse than current zoning. Loosing both the current zoning limits and the cul-de-sac would totally change the character of this street. If the city intends to give an up zone to Lundquest or a future developer ( I hope you would wait to see a proposed plan) an up zone which is understandable considering the current housing shortage, it would be in the interest of the city to negotiate & maintain the cul-de-sac as part of an up zone approval.

thank you for your time.

Jerry Douville  
new west building company  
C: 307.413.1493

[jerry@newwestbc.com](mailto:jerry@newwestbc.com)  
[newwestbc.com](http://newwestbc.com)

265 West Broadway  
Jackson, Wyoming 83001

PO Box 13308  
Jackson, Wyoming 83002

[Facebook](#) | [Houzz](#)

## Alex Norton

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**From:** Corie <crybak@wyoming.com>  
**Sent:** Saturday, August 27, 2016 9:35 PM  
**To:** Alex Norton  
**Subject:** Item P16-075

Alex & The Town of Jackson Planning Commission:

As a neighboring property owner, I have received notice of the above-referenced planning item, and met with Alex Norton to review the request. It was disappointing to find that the application is for an upzone under current regulations from AR to UR. There is no proposal for how the land might be utilized, no development plan for neighbors to review, no way to envision the impact it might have on existing residential properties. Therefore I respectfully request that you deny this request. Many hours and much sweat and tears have gone into developing a comprehensive plan that - while taking much longer than anticipated - is getting closer and closer to completion. Spot re-zoning at this point in time can derail the long range vision for the area. Over the last few years many individual properties on South Glenwood have been upgraded, redeveloped and improved, and the block is developing a community feel. Allowing the requested upzone, without a plan, could seriously and negatively impact our little neighborhood. Please leave the zoning as it is, and allow the comprehensive long range plan to have a chance at success.

Sincerely,  
Corie Rybak

Sent from my iPad

October 11, 2016

Audrey Cohen-Davis, Esq.  
acohendavis@ci.jackson.wy.us  
Town of Jackson Attorney

Alex Norton  
anorton@tetonwyo.org  
Town of Jackson Long Range Planner

Councilors of the Town of Jackson  
council@townofjackson.com

RE: Zoning Map Amendment application P16-075 submitted by Jerrold T. Lundquist and Miller Ventures, LP in relation to property at 632-650 S. Glenwood Street and 100 Snow King Avenue (the “**Glenwood Property**”) to rezone it from Auto-Urban Residential (AR) to Urban Residential (UR) (the “**Glenwood Rezoning**”)

Dear Audrey, Councilors and Alex:

We are writing as counsel to the applicants for the Glenwood Rezoning. We respectfully ask the Town Council to reconsider the Glenwood Rezoning at the Council’s October 17, 2016 meeting and open the matter for further discussion.

We make this request for the following reasons:

1. **The applicable standards of LDR 8.7.2.C were not fully considered at the October 3rd Council meeting, and no contrary findings were provided.** The Town Council is mandated to consider four findings necessary for approval of a rezoning under Section 8.7.2 of the LDRs. The Council did not consider any contrary factors and did not base its decision on the required findings when the Glenwood Rezoning was discussed on October 3rd.
2. **The Council adopted an impermissible and improper moratorium** on zoning map amendments instead of acting on the application in front of it.
3. **The applicants are entitled to fair consideration of their application,** given the suitability of this rezone, the expense incurred by the applicants, and the fact that a comprehensive rezone of the remainder of the Town of Jackson could take years.
4. **An indeterminate delay of the Glenwood Rezoning is neither fair nor reasonable,** particularly if the property will be rezoned similarly or even more intensively when the remainder of District 3 and the Town is rezoned.
5. **Based on the general purposes of zoning, this application is entitled to be heard.**
6. **A requirement that the applicants propose a specific use of the Glenwood Property violates applicable zoning law,** is an unconstitutional exaction, and cannot be a bar to considering the merits of this rezoning.

**Holland & Hart LLP Attorneys at Law**

Phone (307) 739-9741 Fax (307) 739-9744 [www.hollandhart.com](http://www.hollandhart.com)

25 South Willow Street Suite 200 Jackson, WY 83001-0068 Mailing Address P.O. Box 68 Jackson Hole, WY 83001-0068

Aspen Billings Boise Boulder Carson City Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C.



7. **It is not permissible to consider changes in ownership** that do not affect the use of a property when reviewing a zoning map amendment.

At the October 3, 2016 meeting,<sup>1</sup> the Town Council discussed only the positives of how this rezone would further the Comprehensive Plan and address the current necessity for more housing in the Town. But other than those positives, the remainder of the Council's discussion focused on a dislike of rezoning applications for specific areas (as opposed to a comprehensive zoning of entire sections of the Town) and the fact that the applicants had not submitted a concrete plan for what would be constructed if this zoning were approved. We also understand that an additional deciding factor was that one of the Glenwood Property owners may sell a portion of the property if it is rezoned.

The LDRs and fundamental zoning law prohibit the Glenwood Rezoning from being denied based on (a) a desire to impose a moratorium on zoning map amendments, to the extent that moratorium is improperly effected or only applied to one property, or (b) vague requests for a quid pro quo exaction where the Town seeks to require a specific development on a lot in exchange for a rezone.

The Council's duty on October 3rd in relation to the Glenwood Rezoning was to review the specifics of the application and the property and area at hand, and determine whether the LDR standards were met. The Council did not fulfil this duty. While the Council will be given latitude by a court as to the legislative determination of a zoning map amendment, courts do evaluate the validity of zoning amendments based "upon the forethought, careful deliberation, full consideration and the fair hearing which characterized the planning process."<sup>2</sup> The applicants were not afforded this on October 3rd, when the Council imposed partially formulated, conceptual policies on the Glenwood Property rather than addressing the provisions of the LDRs.

**1. The applicable standards of LDR 8.7.2.C were not considered in full, and no contrary findings were provided.** Town LDR section 8.7.2 establishes the process for zoning map amendments, mandating the consideration of four factors. While these factors are not exclusive, these four factors are required to be considered.

**LDR 8.7.2. Zoning Map Amendment (1/1/15, Ord. 1074)**

**A. Purpose**

The purpose of zoning map amendment is to publicly review a change to the Official Zoning Map to ensure that it improves implementation of the Jackson/Teton County Comprehensive Plan or address other health, safety, or welfare issues in the community.

**B. Applicability**

All zoning map amendments shall be reviewed pursuant to this Section.

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<sup>1</sup> Attachment I to this letter transcribes relevant portions of the October 3, 2016 meeting.

<sup>2</sup> 1 Am. Law. Zoning § 6:21.

### C. Findings for Approval

The advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment, the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;
2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan;
3. Is necessary to address changing conditions or a public necessity; and
4. Is consistent with the other adopted Town Ordinances.

These factors require the evaluation of a proposed rezoning in the context of the LDRs, Town ordinances and Comprehensive Plan as a whole. Further, the Council is required to evaluate whether the rezoning addresses changing conditions or public necessity. Staff's report described these findings and why this rezoning is appropriate. The required LDR 8.7.2.C factors in relation to the Glenwood Property were not considered at the Council's October 3rd meeting, other than in ways that supported the adoption of the Glenwood Rezoning.

On October 3rd, Town Long Range Planner Alex Norton responded to questions from Councilor Don Frank that focused on the third mandatory factor (is the rezoning necessary to address a public necessity) and how the Glenwood Property fit into the area to its east (addressing factors 1 and 2 from LDR 8.7.2.C). Mr. Norton discussed how this UR rezoning addresses and furthers the public necessity of housing because of the additional dimensional limitations and the greater variety of housing options, including attached single family and apartment uses that are available in UR zoning. In addition, Councilor Morton Levinson addressed how the proposed UR higher density matches what is called for by the Town's Comprehensive Plan.

Contrary facts or points of view as to the LDR 8.7.2.C findings were not raised. Rather, the other points of discussion were that (a) piecemeal rezoning like this is disfavored, and (b) there was no specific proposal for construction or a project from the applicants. Neither of which additional points are proper or compelling arguments for a denial of the rezoning.

As discussed in Town staff's memorandum and other materials presented to the Council, this rezoning is one that can make strides to enable dense, workforce housing in a way that actually *removes* potential commercial (office) development and reflects a better transition to and from surrounding property.

**2. The Council's actions equate to an impermissible and improperly adopted moratorium on zoning map amendments, potentially extending only to the Glenwood Property.** The Council improperly imposed a *de facto* moratorium on the rezoning application at the October 3rd meeting by refusing to consider the merits of the Glenwood Rezoning. Although the zoning map amendment application process may be disfavored by certain Councilmembers, the tool still exists in the LDRs. As such, the Council has exclusive alternatives of either (a) reviewing the

attributes of the Glenwood Rezoning in light of the LDR-mandated factors, or (b) prior to an application being presented to the Council, acting to remove the zoning map amendment tool from the toolbox of the Town either permanently or temporarily through a moratorium.

Instead of taking one of these two possible paths, the Council imposed an illegal moratorium for an indeterminate amount of time, without due consideration as to the need for a moratorium, without meeting the necessary circumstances for imposing a moratorium, without proper notice or publication, without considering the moratorium as an ordinance (which is required), and without acting on an emergency basis.

A municipality has “the power to enact a freeze resolution [i.e., a short term, emergency moratorium] without notice and hearing, if necessary. However, that power is subject to restrictions.”<sup>3</sup> There must “appropriate circumstances”<sup>4</sup> if a freeze is to be enacted without prior notice and hearing. Any moratorium that was the *de facto* result of the October 3rd meeting was without notice or publication, particularly as to the applicants of the Glenwood Rezoning who proceeded on the understanding that zoning map amendments are available, when required findings can be met.

Further, an emergency freeze-resolution “may initially continue only for a length of time which affords an opportunity to give notice and hold a hearing on the issue of whether or not such a resolution should be given more permanent status” under the applicable zoning adoption statute, which requires 15 days prior notice.<sup>5</sup> To date, the Council has not taken further action to hold a subsequent hearing.

If the Council seeks to make a policy decision to impose a moratorium on zoning map amendments, then the Council can place that on a future agenda and discuss, but the Council cannot surprise the Glenwood Rezoning applicants by using their application as a springboard for a moratorium ordinance. Instead, a moratorium ordinance should be raised and debated according to proper Council procedure. In any case, we feel there is no need for a moratorium. As stated at the October 3rd meeting, this is the fourth rezone request since the Comprehensive Plan was adopted in 2012. There is no rush to rezone at the pace of one request per year—no one would undertake the expense and effort of a zoning request without good reason.

**3. The applicants are entitled to fair consideration of their application.** Before coming to the Council hearing, the applicants had prepared and submitted an application, had been through a pre-application conference and subsequent discussions with staff, and prepared for and participated in a Planning and Zoning Commission hearing. This was not without thousands of dollars of expense and effort, of the applicants, the applicants’ consultants and Town staff itself.

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<sup>3</sup> *Crouthamel v. Board of Albany County Comm'rs*, 951 P.2d 835, 838 (Wyo. 1998).

<sup>4</sup> *Schoeller v. Bd. of County Commissioners*, 568 P.2d 869, 878 (Wyo. 1977), which discusses when a County moratorium on zoning ordinances can be enacted, and the reasoning of this case is applicable to the Town under W.S. § 15-1-602.

<sup>5</sup> *Id.*

At base, the applicants are entitled to a fair shake—an actual discussion of the merits of the application that was submitted under the Town’s LDRs that allow for zoning map amendments.

As discussed above, this rezoning is suitable for the area and district and it achieves a number of goals of the Town and the Comprehensive Plan. The Glenwood Rezoning was not submitted as a lark. It was submitted with an honest belief that the rezoning was appropriate and that it would be beneficial both for the property and the Town as a whole—if the applicants did not believe that was the case, the applicants would not have come forward with the application because it would have been obvious that the application would fail. The applicants are entitled to have the Town review the application in the light of the Section 8.7.2.C factors and the surrounding district under the currently-existing terms of the LDRs.

**4. Pushing the Glenwood Rezoning down the road to when District 3 is rezoned as a whole is neither fair nor reasonable.** It takes years to enact any zoning in the Town. We acknowledge the Council’s commitment to moving Town zoning forward in a comprehensive and speedy manner. But after passing the 2012 Comprehensive Plan, the first draft of the District 2 LDRs was issued in November 2014 and District 2 is still not completed two years later.

The Glenwood Property is located in District 3 of the Comprehensive Plan. As shown in the Town’s 2016-2017 work plan below, the current schedule requires commencement of all remaining Town zoning in spring 2016, to be completed by summer 2017.

FY 16-17 Work Plan Summary			
Task	FY 16	FY 17	FY 18
	2016	2017	
LDR Updates			
Town District 2 Zoning	<		
Town Zoning (except Town Square)			
Town Sexually Oriented Use LDRs			
Town ARU Allowances			

No draft of District 3 zoning has been proposed, nor has any zoning draft been proposed for the other remaining districts: 4 (Midtown); 5 (West Jackson); and 6 (Town Periphery). The excerpt from the work plan above is an inaccurate schedule for rezoning the Glenwood Property, given our collective experience in Teton County.

The Glenwood Rezoning is entitled to a substantive review given these vagaries of timing. Alternatively, if the Council intends to advance a moratorium on all zoning map amendments, then the Town will need to consider a realistic timeline for comprehensive rezoning and a need and timeline for any corresponding moratorium.

One reason given at the October 3rd meeting for a delayed consideration of this rezoning (so that it is postponed to accompany the rest of District 3) is that a comprehensive zoning allows neighbors the ability to comment. Neighbor notices were mailed and zoning change signs were posted on the Glenwood Property. Stakeholders have been able to give input on this Glenwood Rezoning application, and they have done so at the public meetings.

At some point, delays—be they in the name of comprehensive action or in the name of soliciting further discussion when stakeholders have already been gathered and enabled to comment—act to deny an owner’s rights granted under the LDRs and fundamental property rights. Here, the applicant has presented the Council with an opportunity to speed along more dense development that becomes restricted to housing, on property that has lain fallow for years (as almost all of the Glenwood Property is made up of vacant lots), in a way that is congruent with the Comprehensive Plan.

**5. Based on the general purposes of zoning, this application is entitled to be heard.** Zoning involves a government setting the general land use context of an area. Zoning does not involve a lot-by-lot review of specific uses.<sup>6</sup> Municipalities are enabled by Wyoming statute to regulate and restrict broad parameters on a district-wide basis. Zoning regulates matters such as height, density of population, and the “Location and use of buildings, structures and land for trade, industry, residence or other purposes.”<sup>7</sup> At its core, zoning establishes a series of permissible uses in an area of like uses, and caps the maximum intensity (of height, of mass, of landscaping, of setbacks, etc.) in that area. This broad jurisdiction prohibits a municipality from inquiring into the expected or projected uses on a property in conjunction with a rezoning application.

Zoning involves regulation on a “district”-wide or area-wide basis: “Regulations may differ from one (1) district to another but shall be uniform for each class or kind of buildings within a district.”<sup>8</sup>

In general, the purpose of zoning is twofold: (1) to preserve the existing character of an area by excluding or controlling uses prejudicial thereto, and (2) to provide for the development of the several sub-areas within the greater area of the municipality in a manner consistent with the uses for which each is suited, such regulations being related to the character of the district which they affect and being designed to serve not only the welfare of those who own and occupy land in those districts, but also the general welfare of the community.<sup>9</sup>

Zoning should enable and balance both the highest and best use of a property for individual property owners and general community welfare. That balance is achieved in the UR zoning that

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<sup>6</sup> Spot zoning occurs when “a particular piece of land [is zoned] without regard for the zoning of the larger area surrounding the land.” *Laughter v. Bd. of County Comm’rs*, 110 P.3d 875 (Wyo. 2005).

<sup>7</sup> W.S. § 15-1-601(a)(i).

<sup>8</sup> W.S. § 15-1-601(c).

<sup>9</sup> Rathkopf’s *The Law of Zoning and Planning*, § 2:10.



is sought here. UR zoning allows apartments and attached single family housing, among other uses, within an area that will benefit from the transition that UR zoning provides to and from the surrounding uses.

A municipality only has the powers delegated to it, and police and zoning powers are part of that limited delegation.<sup>10</sup> “Zoning is a particular exercise of the police power. It involves the division of land into zones and within these zones the regulation of both the nature of land usage and the physical dimensions of these uses including height setbacks and minimum area.”<sup>11</sup> A municipality’s zoning power does not permit a parcel-by-parcel consideration of specifically contemplated uses for property, when an owner addresses the Council for a rezone. Nor does the zoning power permit a City to mandate that a lot be used for one of a list of permitted uses within a zone: a town may not dictate the specific development of property.

**6. Refusing to consider the merits of this rezoning because the applicants have not proposed a specific use of the Glenwood Property violates applicable law.** Part of the October 3rd decision, at least for some decision makers, rested on the fact that specific plans were not put forward for the Glenwood Property and that at least one owner may be seeking a rezoning in order to sell the property at a higher value.

Wyoming and federal enabling zoning law does not enable the Town to solicit or require a specific use or future construction plan as part of a rezoning. As an example, when rezoning property into UR, the Town may not require as a condition to rezoning that the Glenwood Property be used as apartment buildings, as opposed to other uses permitted in UR.

The Town’s request for projected future development on the Glenwood Property resembles conditional or contractual zoning<sup>12</sup> or “rezoning with site-specific conditions.”<sup>13</sup> To the extent that the Town believes the LDRs enable the Town to request or require a specific use proposal to be part of a rezoning application, we ask to have that confirmed in writing. In addition, in all of these types of zoning regulation (contract or conditional zoning or site-specific conditions), any conditions imposed need to be reasonable, related to mitigating effects of a proposed use upon neighbors or the community as a whole, and proportional to those effects. Alternatively, these exactions can be voluntary from the owner. A denial of a rezoning request because of a failure to propose a concrete use, however, is not reasonable.

Courts approving of rezoning with site-specific conditions generally use the same standards to test conditional rezonings as are applied to traditional rezonings. These standards generally include the reasonableness of the rezoning itself, its effect on adjacent properties, and the benefit to the public welfare. Obviously, the rezoning and conditions imposed must not violate constitutional or statutory

<sup>10</sup> *Blumenthal v. City of Cheyenne*, 96, 186 P.2d 556, 563 (Wyo. 1947).

<sup>11</sup> *Cheyenne Airport Bd. v. Rogers*, 707 P.2d 717, 726 (Wyo. 1985).

<sup>12</sup> 1 Am. Law. Zoning §§ 9:20, 9:21.

<sup>13</sup> Rathkopf’s *The Law of Zoning and Planning*, § 44:3.

limitations on the police power. In this respect, a rezoning with conditions may be held invalid where the police power is bargained away, where the conditions imposed are illegal or unreasonable or where the rezoning primarily furthers private interests rather than the general welfare or otherwise constitutes illegal spot zoning.<sup>14</sup>

When a hazy requirement for a specific development proposal on the Glenwood Property is used as a reason for denying the rezoning application, that is a development exaction that is not proportional to the problem sought to be addressed. Development exactions like this have been taken up at great length under the federal Constitution. “As a matter of federal constitutional ‘benefit-extraction’ takings jurisprudence, the U.S. Supreme Court requires that development conditions, exactions or impact fees be reasonably related in their nature and extent to some specific problem or need generated by a particular development proposal.”<sup>15</sup>

We venture to point out that there appears to be a land use theory that may address some of the Council’s October 3rd goals—“land value capture” aka “public benefit” zoning—but only once and if that concept is baked into an amended Comprehensive Plan and amended LDRs. “Land value capture” aka “public benefit zoning” is the fairly new theory that a specific public action (zoning) creates an increase in land value and a portion of that value should be, in turn, recaptured in the form of public benefits.<sup>16</sup> Essentially, prior to the Town contemplating an “upzone” of property, there would need to be a concession granted by the property owner. These public benefits are in the nature of affordable housing, parks, child-care facilities, streetscape and pedestrian amenities, and transit alternatives.<sup>17</sup>

Importantly, no source on land value capture theory contemplates that the public benefit to be exacted from a property owner includes the very use of the property itself—i.e., even if Jackson were to enact a “land value capture” mechanism in the future, requiring a certain type of project to be selected from the set of permissible zoning uses for a property is simply not a permissible exaction or mandate because of its lack of nexus or proportionality.

In order to enact a “land value capture” system, the legality of the concept as a whole would need to be evaluated under Wyoming law and enabling legislation would need to be adopted (i.e., Comprehensive Plan and LDR amendments). The Town’s LDRs contain incentive tools. Our current LDRs also contain exactions in the form of fees and property dedications for certain public benefits such as employee and affordable housing. Prior to adoption of the employee and affordable housing exactions, studies were conducted as to the proportionality of the exaction

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<sup>14</sup> Rathkopf’s *The Law of Zoning and Planning*, § 44:7.

<sup>15</sup> Rathkopf’s *The Law of Zoning and Planning*, § 90:44.

<sup>16</sup> White Paper on the Theory, Economics and Practice of Public Benefit Zoning, Prepared for the East Bay Housing Organizations, et al. (November 2014) available at <http://nonprofithousing.us7.list-manage.com/track/click?u=847944ec9d8fe15de5e490f4a&id=469b260259&e=8a9f7b1421>

<sup>17</sup> *Id.* at 11.

(e.g., is a requirement of 1 affordable unit for every 3 market units proportional?). A land value capture tool would need to be evaluated against a similar proportionality test.

A refusal to rezone the Glenwood Property because the applicants did not agree to a specific type of development (of the allowable flavors within UR) is impermissible and unreasonable land use exaction, imposed without the required planning or LDR authority.

**7. It is not permissible to consider changes in ownership that do not affect use of a property when reviewing a zoning map amendment.** We understand that the October 3rd decision may have been partially driven by the fact that the owner of the Glenwood Property may sell the property (instead of developing it themselves) after a rezoning.

When establishing the zoning for an area, it is impermissible to zone on the basis of who owns the land, including whether the land will be sold or not, unless the ownership affects the use of the property involved. For example, the intensity of a time-share use or short-term rentals are ownership-driven uses of land that can potentially affect the use of the property involved.

As the Wyoming Supreme Court has explained, zoning is the “process that a community employs to legally control **the use, which may be made of property and the physical configuration of development** upon the tracts of land located within its jurisdiction.”<sup>18</sup> A town’s zoning authority does not include the right to regulate land ownership absent a showing that a change in ownership will result in an change in use affecting the public health, safety, morals, and general welfare.<sup>19</sup>

- “Zoning deals with land use, not the owner, operator or occupant of the land.”  
1 Rathkopf’s *The Law of Zoning and Planning* § 2:16 (4th ed.).
- “[T]he attempted regulation of ownership of property under the guise of the zoning power is beyond the power of [the municipality.]” *Bridge Park Co. v. Borough of Highland Park*, 273 A.2d 397, 398 (N.J. Super. App. Div. 1971).
- “If a use is permitted, as here, it is beyond the power of the municipality to regulate the manner of ownership of the legal estate.” *Graham Ct. Associates v. Town Council of Town of Chapel Hill*, 281 S.E.2d 418, 422-23 (N.C. App. 1981).

If either or both of the applicants for the Glenwood Rezoning desire to sell their property immediately after a zoning change is achieved—that does not affect whether a rezoning is proper.<sup>20</sup>

<sup>18</sup> *Ford v. Bd. of County Comm’rs of Converse County*, 924 P.3d 91, 95 (Wyo. 1996) (emphasis added).

<sup>19</sup> See W.S. § 18-5-201.

<sup>20</sup> That said, a sale in Teton County almost always does induce development towards the highest and best use of land. A significant issue for the Town of Jackson is that there are a number of long-term owners who have very low “carrying costs” of capital for their property—the cost of a mortgage and the initial equity used to buy the

**Conclusion**

This letter is long. This letter is detailed. We sincerely appreciate the Council’s time in reviewing this matter and considering this letter.<sup>21</sup> At base, we do not feel that the discussion that occurred on October 3rd was the discussion that our client’s application merited.

Our clients are seeking an opportunity to have the merits of this rezone application discussed, and we genuinely hope that the Town Council will reconsider the denial of the rezone on October 17th. Please do let us know if you would like to discuss the above.

Sincerely,



Matthew Kim-Miller  
Of Counsel  
Holland & Hart LLP

MWK:kml  
Attachments

cc: client

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property—because of the constant appreciation of land values here. If a purchaser were to buy the Glenwood Property, they will assuredly pay more for it than was paid by Miller Ventures (who acquired their lots in 1997 through an affiliate) and Jerrold Lundquist (who acquired his lots in 2003 and 2005). This hypothetical purchaser, assuming they are a rational economic actor, would want to use the land for its highest and best use and actively develop the property. And if the Glenwood Property owners did not believe that the highest and best use of the property is apartments or attached single family, why would they seek this rezone? In any case, all items in this footnote may be interesting economic concepts, but they are beside the point, and even prohibited, in a consideration of how property is to be zoned.

<sup>21</sup> As a personal and completely irrelevant aside, at Scout camp when I was 9, my mom put a \$5 bill in the plastic soap container she packed for me. When I returned home, she asked if I showered every day. I of course said yes. She then opened up the soap container and took out and showed me the \$5 bill that was still in the plastic case. I do not have \$5 bills available as a reward for reading this far in a land use letter, but again, we are deeply appreciative of the efforts of the Council.

## ATTACHMENT I

### OCTOBER 3, 2016 JACKSON TOWN COUNCIL MEETING EXCERPTS

Item IV C2: Zoning Map Amendment Glenwood and Snow King Avenue (Alex Norton, Long Range Planner).

**3:33 until 4:36:**

*Councilor Jim Stanford:* Actually, I do have a question and Alex, I don't know if you're qualified to answer this or maybe the applicant is better qualified, but this is the fourth request during my tenure on the council for an up-zone independent of a like a comprehensive public process. And, I know that we, as a council, or as the town, cannot tie in an up-zoning to any sort of a proposal that may or may not be submitted in the future. We've at least heard in the other three instances, of a vision for the property, and, do you have any information about what the vision for that property, or this property is?

*Long Range Planner Alex Norton:* This application has not included any of that, any proposal, for a vision for the future, if the applicant has one, he may be able to speak to it better than I, but this application didn't include any such proposal.

**15:33 until 20:25:**

*Mayor Sara Flitner:* Anything else anybody needs to say? Go ahead.

*Councilor Jim Stanford:* I concur with some of the public comment we received. This piece meal up-zoning is not good planning. I think we're close enough to embarking on District 3 rezoning that's comprehensive. It allows neighbors to give input. And, it's a democratic fair process for everybody and we've been burned two out of the last three times we've gone about these piece meal up-zones, and so I cannot support [inaudible].

*Councilor Don Frank:* I have a question for Staff, may I, Alex? In the motion, item number 3 says, "is necessary to address changing conditions or a public necessity. Help me understand how that particular optic came to the surface.

*Long Range Planner Alex Norton:* Yeah. So, the finding in the comprehensive, or in the, in the land development regulations, and with regard to it, the [inaudible] these are all findings that are things for you to consider because this is a legislative act. But, the finding that staff made is that housing is obviously a priority of the council and the community. And, this is the best tool that we have in our current tool box. There may be a better tool in the future, and, you know, certainly looking at this comprehensively is an ideal approach. But, as it exists, we've identified providing housing opportunities as a priority in the housing

action plan and the comprehensive plan and a number of other discussions and the UR zone is the best tool we currently have to implement division for the character district 3.2 in this area. So, the way that it addresses the public necessity of housing is by proof, by using the best tool that we have to address a goal of the community.

*Councilor Don Frank:* Can somebody roll us to page 3 and put that up on the screen. That's where the comparison chart exists. So, it's currently AR, no or urban . . . .

*Long Range Planner Alex Norton:* It's currently AR, yes.

*Councilor Don Frank:* Oh, yep, and the request is for UR?

*Long Range Planner Alex Norton:* Correct.

*Councilor Don Frank:* Walk me through UC-2 and its, how it relates to this question.

*Long Range Planner Alex Norton:* Sure. So UC-2 is the zoning of the properties across the alley. So, Paul, if you'll go up to the map really quick. So, the site of the proposal are these seven lots between south Glenwood and the alley.

*Councilor Don Frank:* Um-hmm.

*Long Range Planner Alex Norton:* This seven lots on the other side of the alley are zoned UC-2 in the lodging overlay. So, the UC-2 uses include attach single family and apartment, but also include lodging, office, retail, service, restaurant, bar – Paul, you can go back down. Thanks. – daycare and education. So, these are a number of uses and these are just the uses that are allowed as basic uses. There are some additional non-residential uses that are allowed as conditional uses. So, the idea in this comparison is just to show kind of the transition from the fairly intense commercial lodging use to the east then over to the AR residential use that is currently zoned and allowed to the west.

*Councilor Don Frank:* Okay. I'm going to use the word rezone rather than up-zone. Although I can see the math. It's self-evident. So, the compelling reason for suggesting that we consider this is that ultimately more housing could be built on this parcel.

*Long Range Planner Alex Norton:* Yes.

*Councilor Don Frank:* Serving more, more [inaudible].

*Long Range Planner Alex Norton:* Not only more housing because of the additional dimensional limitations but also there are a greater variety of housing

options in that attach single family and apartment are allowed uses as opposed to just detached single family homes and ARUs. So, there are a wider variety of housing types available to a property zoned UR as well.

**20:33 until 22:22:**

*Councilor Haley Morton Levinson:* I'm just going to comment that I will support the motion. Like the other items we've had like this, I think, you know, it's appropriate to have higher density in these areas as called for by the comp plan. And while I would like to look at everything holistically, these have come up individually so I do like to take them into consideration each time and it reminds me, and all of us, that we need to just keep working that much more diligently and quickly to get to our residential zoning.

*Mayor Sara Flitner:* Any other comments? I'll just weigh in so people know where I'm coming from. I'm not going to support the motion tonight. Although I agree with you and I appreciate that input Haley. I would be more moved by some idea of what's going to happen there. And that would probably help me make a decision. But, I think it just, we're going to have to keep going and I'm very sympathetic to people who want to do stuff with their property and it takes years, so, you know, I will listen, as all of you do each time something comes before us. Bob?

*Councilor Bob Lenz:* I was just going to say, I'm not going to support it, but when you're asking for a zone change because I'm going to build this. I think they call that opportunistic zoning. That's a no-no because once you rezone it, there's no . . . .

*Mayor Sara Flitner:* So, I just told them, people to break the law, is that what you're telling me?

*Councilor Bob Lenz:* Well, we don't have anything to keep, you know, to make a person build it that way. So.

*Mayor Sara Flitner:* Okay. Thanks for that.

*Councilor Bob Lenz:* At least that's what I understand.

*Mayor Sara Flitner:* Yeah. I appreciate that.

*Councilor Bob Lenz:* And, I'm with Haley. We've got to get going and get, you know, care for District 3 and so forth. Get it going.

**From:** Zane Powell  
**To:** [Town Council](#); [Sara Flitner](#); [Town Council](#)  
**Cc:** [Tyler Sinclair](#)  
**Subject:** Hidden Hollow  
**Date:** Friday, November 11, 2016 9:35:09 AM  
**Attachments:** [Chamber Breakfast 11.3.17.pdf](#)

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Dear Mayor and Town Council,

At the Council meeting on October 17, a request was made to drum up and encourage more public involvement and input with the Hidden Hollow application. I'd just like to report back to you before our meeting on Monday what efforts we've made to comply with that request:

- Updated the Hidden Hollow website with the current site plan and relevant application materials, and sent out an email blast to everyone who has previously contacted us through the website.
- Reached out to John Spina, reporter with Jackson Hole News & Guide, and requested an interview for a news article update. That interview took place October 27 on the project site with one of their photographers. The article ran Nov. 9.
- Introduced as a new Chamber of Commerce member at their Business over Breakfast on Nov. 3. Flyer was handed out introducing the project and asking for public comment.
- Later that same day on November 3, the project flyer was emailed out through the Chamber business listing service. That flyer is attached here.
- Morning "on-air" interview with KHOL took place on Nov. 9, where we talked about the project and asked for public support and comment.

We hope you find these efforts satisfactory since the Oct. 17 meeting. Prior to Oct. 17 and the original Council meeting, web page traffic averaged 6 hits per day and 12 page views. Between Oct. 17 and Nov. 3, traffic increased up to 23 hits per day. Since Nov. 3, traffic has increased again up to 50 hits per day with 180 page views...meaning each website visitor is looking at more than three pages each.

Through the website we have not received any criticism or specific comments to change the application. All of the responses have been questions asking when units will be available, and to be put on a waiting list. There has been an equal interest in the single family, townhomes, and multi-family units. Several questions have asked how the lottery will work for the income deed restricted units, to which we have directed them to the Jackson Hole/Teton County Housing Department.

We look forward to meeting with you again on Monday to discuss Hidden Hollow and the Sketch Plan application. I have two emails for the Council, and I guess I'm not sure which one is current or correct, so I have them both listed. Please ignore one or the other if you receive this twice.

Sincerely,  
Zane Powell

*Zane Powell*  
*Conrad & Bischoff, Inc.*

*2251 North Holmes Ave.  
Idaho Falls, Idaho 83401  
(208) 419-5886 cell  
[zane@cbfuels.com](mailto:zane@cbfuels.com)*

[www.hiddenhollowjackson.com](http://www.hiddenhollowjackson.com)

**From:** Matt Kim-Miller  
**To:** [Audrey Cohen-Davis](#); [Alex Norton](#); [Town Council](#)  
**Cc:** [jim@plwllc.com](mailto:jim@plwllc.com); [Scott Pierson](#); [Bailey K. Schreiber](#)  
**Subject:** Glenwood Rezoning Reconsideration; P16-075 on the November 14th Town Agenda  
**Date:** Friday, November 11, 2016 4:32:39 PM  
**Attachments:** [Letter re Glenwood Rezoning.pdf](#)

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Hello all.

Attached is a short letter in relation to the rezoning of property on Glenwood Avenue that is on the Town's agenda for its 11/14 meeting. Thank you for your time and consideration.

Yours,

Matt

**Matt Kim-Miller**

Holland & Hart LLP

*Mail:* P.O. Box 68

*Overnight:* 25 South Willow St., Suite 200

Jackson, Wyoming 83001

Phone: (307) 734-4504

Fax: (866) 928-0986

[mwkimmiller@hollandhart.com](mailto:mwkimmiller@hollandhart.com)



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